

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2017-122093-002 DT

10/30/2017

HONORABLE CHRISTOPHER COURY

CLERK OF THE COURT
K. Howard/K. L. Johnson
Deputy

STATE OF ARIZONA

MICHELLE VAITKUS

v.

MICHAEL ANTHONY MARTINEZ (002)
DOB: 01/23/1991

KERRIE M DROBAN

AZ DOC
AZ DOC - INMATE TRUST ACCOUNTS
DISPOSITION CLERK-CSC
RFR

SENTENCE OF IMPRISONMENT

10:02 a.m.

Courtroom CCB 803

State's Attorney:	Michelle Vaitkus
Defendant's Attorney:	Kerrie Droban
Defendant:	Present

Court Reporter, Mike Babicky, is present.

A record of the proceedings is also made digitally.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 1 (as amended) Armed Robbery
Class 2 Felony
A.R.S. § 13-1904, 13-1901, 13-1902, 13-301, 13-302, 13-303, 13-304, 13-3105, 13-901.03, 13-701, 13-702, and 13-801
Date of Offense: 5/13/2017
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 5 year(s) from 10/30/2017
Presentence Incarceration Credit: 170 day(s)
Presumptive
Sentence is concurrent with CR2016-132760-001.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 1 - \$320.00 to the following victim(s) in the following amounts:

Victim A	(Individual)	\$120.00
Christian French	(Individual)	\$100.00
Omar Gamino	(Individual)	\$100.00

IT IS ORDERED that restitution be paid jointly and severally with Saul Osuna and Isaiah Roberts in case number(s) CR2017-122093-001 and CR2017-122093-003.

Restitution ledger provided; priority of payment as stated in the restitution ledger.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

ASSESSMENTS:

PROBATION ASSESSMENT: Count 1 - \$20.00.

TIME PAYMENT FEE: Count 1 - \$20.00.

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VICTIMS' RIGHTS ENFORCEMENT: Count 1 - \$2.00.

PENALTY ASSESSMENT: A.R.S. § 12-116.04 - Count 1 - \$13.00.

Investigative Agency:

Phoenix Police Department

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforensponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in CR2017-002380-001.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 2, 3, allegation of dangerous, allegation of multiple offenses and the allegation of the Defendant's prior felony conviction.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS ORDERED the Defendant shall not have any contact with the victim(s).

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IT IS FURTHER ORDERED Defendant shall forfeit any interest in the weapon seized during the investigation of this matter.

10:18 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

ISSUED: Order of Confinement - Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE CHRISTOPHER COURY
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)